



## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 648**

**[Docket No. 210723-0150]**

**RTID 0648-XB805**

#### **Fisheries of the Northeastern United States; Northeast Multispecies Fishery;**

#### **Possession and Trip Limit Increases for the Common Pool Fishery**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; inseason adjustment.

**SUMMARY:** This action increases the possession and trip limits of Gulf of Maine cod, Cape Cod/Gulf of Maine yellowtail flounder, and witch flounder for Northeast multispecies common pool vessels for the remainder of the 2021 fishing year. This action will provide the common pool fishery greater opportunity to harvest, but not exceed, the annual quotas for these stocks.

**DATES:** These possession and trip limit adjustments are effective February 24, 2022, through April 30, 2022.

**FOR FURTHER INFORMATION CONTACT:** Spencer Talmage, Fishery Management Specialist, 978-281-9232.

**SUPPLEMENTARY INFORMATION:** The regulations at § 648.86(o) authorize the Regional Administrator to adjust the possession and trip limits for common pool vessels in order to help avoid overharvest or underharvest of the common pool quotas.

Based on the most recent catch information, the common pool fishery has caught low amounts of the following species relative to the annual quotas for each of these stocks (Table 1): Gulf of Maine (GOM) cod; Cape Cod (CC)/GOM yellowtail flounder;

and witch flounder. At the current rate of fishing, we project that the common pool fishery will not fully harvest the annual quotas for these stocks by the end of fishing year 2021. Providing vessels an opportunity to possess and land greater amounts of catch should provide greater incentive to fish and more opportunity to catch available quota. Based on our review of past fishing effort and performance under various possession and trip limits, we project that this action's increases in the possession and trip limits for these stocks should provide additional fishing opportunities and flexibility to facilitate catching available quota while ensuring that the common pool does not exceed its annual quotas.

**Table 1 -- Summary of Common Pool Catch through January 18, 2022**

Stock	FY 2021 Catch (mt)	Sub-ACL (mt)	Percent Caught
GOM cod	2.6	8.2	31.4
CC/GOM yellowtail flounder	14.8	41.4	35.7
Witch flounder	20.3	44.2	46

Effective February 24, 2022, until April 30, 2022, NMFS increases the possession and trip limits summarized in Tables 2 and 3.

**Table 2 -- Previous FY 2021 Possession and Trip Limits**

Stock	A Days-at-Sea (DAS)	Handgear A	Small Vessel Category	Handgear B
GOM cod	100 lb (45.4 kg) per DAS, up to 200 lb (90.7 kg) per trip	100 lb (45.4 kg) per trip		25 lb (11.3 kg) per trip
CC/GOM yellowtail flounder	1,000 lb (453.6 kg) per DAS, up to 2,000 lb (907.2 kg) per trip	1,000 lb (453.6 kg) per trip	300 lb (136.1 kg) per trip	1,000 lb (453.6 kg) per trip
Witch flounder	1,500 lb (680.4 kg) per trip			

**Table 3 -- New FY 2021 Possession and Trip Limits**

Stock	A Days-at-Sea (DAS)	Handgear A	Small Vessel Category	Handgear B
GOM cod	200 lb (90.7 kg) per DAS, up to 400 lb (181.4 kg) per trip	200 lb (90.7 kg) per trip		25 lb (11.3 kg) per trip
CC/GOM yellowtail	1,500 lb (680.4 kg) per	1,500 lb	300 lb	1,500 lb

flounder	DAS, up to 3,000 lb (1360.8 kg) per trip	(680.4 kg) per trip	(136.1 kg) per trip	(680.4 kg) per trip
Witch flounder	2,000 lb (907.2 kg) per trip			

Weekly quota monitoring reports for the common pool fishery can be found on our website at:

<https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/nemultispecies.html>. We will continue to monitor common pool catch through vessel trip reports, dealer-reported landings, Vessel Monitoring System catch reports, and other available information and, if necessary, we will make additional adjustments to common pool management measures.

### **Classification**

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act consistent with 50 CFR 648.86(o), which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866. The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3) to waive prior notice and the opportunity for public comment and the 30-day delayed effectiveness period because this action relieves possession and landing restrictions, and delayed implementation would be impracticable and contrary to the public interest.

The regulations at § 648.86(o) authorize the Regional Administrator to adjust the possession and trip limits for common pool vessels in order to help avoid overharvest or underharvest of the common pool quotas. Our analysis indicates that this action's increased possession and trip limit adjustments for these stocks should help the fishery achieve catching the allocated amounts for each stock. Any delay in this action would limit the benefits to common pool vessels that the increased landing and possession limits are intended to provide.

The time necessary to provide for prior notice and comment, and a 30-day delay

in effectiveness, would keep NMFS from implementing the necessary possession and trip limit before the end of the fishing year on April 30, 2022, which could prevent the fishery from catching the allocated amounts for each stock and cause negative economic impacts to the common pool fishery. This would undermine management objectives of the Northeast Multispecies Fishery Management Plan and cause unnecessary negative economic impacts to the common pool fishery. The public received prior notice and an opportunity to comment on the Regional Administrator's exercise of this authority. The fishing industry participants have experienced these adjustments and have become accustomed to this process. There is additional good cause to waive the delayed effective period because this action relieves restrictions on fishing vessels by increasing a trip limit.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 17, 2022.

Ngagne Jafnar Gueye,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries

Service.

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